

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA**

Docket No. 2003-326-C

IN RE:)	ITC^DELTA COM
)	COMMUNICATIONS, INC.
Analysis of Continued Availability)	AND BTI'S OBJECTIONS TO
Of Unbundled Local Switching for)	BELLSOUTH'S FIRST
Mass Market Customers Pursuant)	REQUESTS FOR PRODUCTION
To the Federal Communication)	OF DOCUMENTS
Commission's Triennial Review Order)	
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ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom and Business Telecom, Inc. d/b/a BTI (hereinafter referred to collectively as "DeltaCom") pursuant to the Joint Motion for Initial Procedural Order filed by BellSouth and CompSouth on November 12, 2003 ("proposed Initial Procedural Order"), object generally and specifically to BellSouth Telecommunications, Inc.'s ("BellSouth") First Requests for Production of Documents ("BellSouth's Requests for Production") to DeltaCom, served on November 17, 2003.

DeltaCom's objections are preliminary in nature. DeltaCom reserves the right to amend, supplement, or revise these objections, and assert additional objections, should DeltaCom discover additional grounds for objecting as DeltaCom prepares its responses to any discovery or at any time prior to hearing.

General Objections

1. DeltaCom objects to the BellSouth's Discovery Requests to DeltaCom to the extent that they are overly broad, lack specificity, unduly burdensome, irrelevant and not likely to lead to the discovery of admissible evidence pursuant to the proposed Initial

Procedural Order or applicable South Carolina law.

2. DeltaCom objects to BellSouth's Discovery Requests to DeltaCom to the extent that they seek discovery of information protected by attorney-client privilege, the work product doctrine, the accountant-client privilege, or any other applicable privilege.

3. DeltaCom objects to BellSouth's Discovery Requests to DeltaCom to the extent that they purport to impose discovery obligations on DeltaCom beyond the scope of, what is permitted under the Procedural Order and applicable South Carolina law.

4. DeltaCom objects to BellSouth's Discovery Requests to DeltaCom to the extent that they purport to seek discovery of matters other than those subject to the jurisdiction of the Commission pursuant to the Federal Communications Commission's ("FCC") Triennial Review Order ("TRO") or applicable South Carolina law.

5. DeltaCom objects to all Discovery Requests which require the disclosure of information that is already in the public domain, BellSouth already has possession of or unrestricted access to, and information that is otherwise on record with the Commission or the FCC.

6. DeltaCom objects to BellSouth's Discovery Requests to DeltaCom to the extent that they seek information and discovery of facts known and opinions held by experts acquired and/or developed in anticipation of litigation or for hearing and outside the scope of discoverable information pursuant to applicable South Carolina law.

7. Pursuant to the Procedural Order, the TRO and applicable South Carolina law, to the extent that BellSouth's Discovery Requests request specific financial, business or proprietary information regarding DeltaCom's economic business model, DeltaCom objects to providing or producing any such information on the grounds that those requests

presume that the market entry analysis is contingent upon DeltaCom's economic business model instead of the hypothetical business model contemplated by the TRO.

8. DeltaCom objects to BellSouth's definitions of "hot cut," "batch hot cut," "individual hot cut," "coordinated cut over" and "coordinated time-specific cut over" and each and every interrogatory that includes such terms, as such definitions are vague and not adequately defined in that it is not clear whether or to what extent BellSouth's practices are consistent with the FCC's use of such terms. The reference in BellSouth's definition of "hot cut" to the "entire process" is vague in that it is not clear whether this includes number portability or whether it is limited to the physical process of transferring a customer. The term "batch" is vague in that it is unclear how many lines or customers constitute a "batch" or whether conversion of a single customer with several accounts would constitute a "batch." BellSouth's use of the term "individual hot cut" is vague in that it is defined with reference to "batch hot cuts," which is itself vague and ambiguous. BellSouth's definitions of "coordinated cut over" and "coordinated time-specific cut over" are vague and ambiguous. The distinctions among BellSouth's definitions for "hot cuts," "individual hot cuts," "coordinated cut overs" and "coordinated time-specific cut overs" are unclear. Thus, such discovery is over broad and it would be unduly burdensome for DeltaCom to respond to such ambiguous discovery requests. DeltaCom further objects to BellSouth's use of such terms as they apply to BellSouth's individual hot cut process as DeltaCom is not privy to each and every process or procedure employed by BellSouth in implementing such hot cuts.

9. DeltaCom objects to BellSouth's definition of "business case" as vague and overly broad.

10. DeltaCom objects to BellSouth's definition of "voice grade equivalent lines" as vague and ambiguous and subject to differing interpretations. For instance, it is unclear whether this term as defined includes lines capable of carrying voice traffic but which are, in fact, used for data traffic.

11. DeltaCom objects to the definitions for "qualifying service" and "non-qualifying service," and each and every request for production that includes such terms, as DeltaCom does not use such terms in the ordinary course of business and answering in these terms would require DeltaCom to provide a legal interpretation of the FCC's terms. With the exception of the specific services the FCC has designated as qualifying or non-qualifying, the term is not clearly defined by the FCC or by BellSouth. For example, as the FCC stated in footnote 466 of the TRO, "Our list is intended to identify general categories of services that would qualify as eligible services. It is not intended to be an exhaustive list or to identify services in a more particular manner." Thus, such discovery is overly broad and would be unduly burdensome for DeltaCom to respond to such ambiguous discovery requests.

12. DeltaCom objects to BellSouth's Discovery Requests to the extent they seek information related to special access circuits purchase out of BellSouth's interstate tariff rather than to unbundled network elements.

Specific Objections

1. DeltaCom objects to the production of documents regarding any interrogatory to which DeltaCom has objected.

2. DeltaCom restates and incorporates by reference its General Objection 9 above and its objection to interrogatory 15.

3., 5., & 6. DeltaCom restates and incorporates by reference its objections to interrogatories 26, 29 & 31.

4. DeltaCom restates and incorporates by reference its objections to interrogatory 27.

7. DeltaCom restates and incorporates by reference its objections to interrogatory 32.

8.-10. DeltaCom restates and incorporates by reference its objections to interrogatories 31-35.

11. DeltaCom restates and incorporates by reference its objections to interrogatory 40.

12. DeltaCom restates and incorporates by reference its objections to interrogatory 41.

13. DeltaCom restates and incorporates by reference its objections to interrogatory 43.

14. DeltaCom restates and incorporates by reference its objections to interrogatory 45.

15. DeltaCom restates and incorporates by reference its objections to interrogatory 46.

16. DeltaCom restates and incorporates by reference its objections to interrogatory 49.

17. DeltaCom restates and incorporates by reference its objections to interrogatory 50.

18. DeltaCom restates and incorporates by reference its objections to

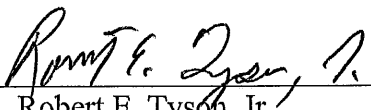
interrogatory 52.

19. DeltaCom restates and incorporates by reference its objections to
interrogatory 53.

20. DeltaCom restates and incorporates by reference its objections to
interrogatory 59.

21. DeltaCom restates and incorporates by reference its objections to
interrogatory 61.

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Columbia, South Carolina

December 1, 2003

CERTIFICATE OF SERVICE

I, the undersigned paralegal of the law offices of Sowell Gray Stepp & Laffitte, L.L.C., attorneys for DeltaCom, do hereby certify that I have a copy of the pleading(s) hereinbelow specified via e-mail to the following address(es):

Pleadings: **ITC^DeltaCom Communications, Inc. and BTI's
Objections to BellSouth's First Request for Production
of Documents**

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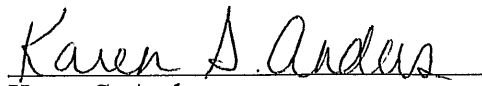
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December 1, 2003